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ABSTRACT

The five-session open meeting of the New York State Advisory committee to the U.S. Commission on Civil Rights in November 1971 in Rochester, Buffalo, and Albany was part of an overall Commission project dealing with problems confronting Puerto Ricans and other Spanish--speaking persons in the eastern part of the U.S. The Rochester and Buffalo hearings of the New York State Advisory Committee focused on the employment of Puerto Rican and other Spanish-surnamed persons in city and county government. Witnesses who appeared before the New York Committee in Rochester and Buffalo included officials from both city and county Civil Service Commissions and from selected city and county agencies, as well as members of the Puerto Rican communities in Rochester, Monroe County, Buffalo, and Erie County. Much data and hundreds of exhibits were collected both prior to, during and after the hearings. This material, as well as tapes of the hearings in the three localities, are available at the Northeastern Regional Office of the U.S. Commission on Civil Rights in New York City. In the interest of brevity, however, this reported attempts to summarize this material in the form of findings and recommendations. (Author/JM)

THE PUERTO RICAN AND
PUBLIC EMPLOYMENT IN
NEW YORK STATE

Report of the
New York State Advisory Committee to the
U. S. Commission on Civil Rights
Prepared for the Information and
Consideration of the Commission

April 1975

ED 114 371

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Prior to the publication of a report, State Advisory Committees afford to all individuals or organizations that may be defamed, degraded, or incriminated by any material contained in the report an opportunity to respond in writing to such material. All responses received have been incorporated, addended, or otherwise reflected in the publication

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PREFACE

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The United States Commission on Civil Rights

The United States Commission on Civil Rights, created by the Civil Rights Act of 1957, is an independent bipartisan agency of the executive branch of the Federal Government. By the terms of the Act as amended, the Commission is charged with the following duties pertaining to denials of the equal protection of the laws based on race, color, sex, religion, or national origin. Investigation of individual discriminatory denials of the right to vote; study of legal developments with respect to denials of the equal protection of the law; appraisal of the laws and policies of the United States with respect to denials of equal protection of the law; maintenance of a national clearinghouse for information respecting denials of equal protection of the law; and investigation of patterns or practices of fraud or discrimination in the conduct of Federal elections. The Commission is also required to submit reports to the President and the Congress at such times as the Commission, the Congress, or the President shall deem desirable.

The State Advisory Committees

An Advisory Committee to the United States Commission on Civil Rights has been established in each of the 50 States and the District of Columbia pursuant to section 105(c) of the Civil Rights Act of 1957 as amended. The Committees are made up of responsible persons who serve without compensation. Their functions under their mandate from the Commission are to: advise the Commission of all relevant information concerning their respective States on matters within the jurisdiction of the Commission; advise the Commission on matters of mutual concern in the preparation of reports of the Commission to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the State Committee; initiate and forward advice and recommendations to the Commission upon matters in which the Commission shall request the assistance of the State Committee; and attend, as observers, any open hearing or conference which the Commission may hold within the State.

Recommendations to the United States Commission on Civil Rights

This report was submitted to the United States Commission on Civil Rights by the New York State Advisory Committee. The conclusions and recommendations in this report are those of the Committee and are based upon its evaluation of information received at open meetings in [illegible], and in staff investigations. This report has been received by the Commission and will be considered by it in making its reports and recommendations to the President, the Congress, and to Federal agencies.

This project was developed and implemented for the New York State Committee by its Subcommittee on the [illegible] Project, under the chairmanship of [illegible]. Staff assistance to the Subcommittee was provided by [illegible], Civil Rights Program Analyst in the Commission's Northeastern Regional Office. This report was drafted for the Committee's consideration by Mr. [illegible].

PREFACE

The first open meeting of the New York State Advisory Committee to the U. S. Commission on Civil Rights in November [illegible] in Rochester, Buffalo, and Albany is part of an overall Commission project dealing with problems confronting Puerto Ricans and other Spanish-speaking persons in the eastern part of the United States. Meetings on this subject have been held by State Advisory Committees in Connecticut (Bridgeport and New Haven), Massachusetts (Springfield and Boston), New Jersey (Camden, Hoboken, Newark and Trenton), Pennsylvania (Philadelphia), and Illinois (Chicago).

The Rochester and Buffalo hearings of the New York State Advisory Committee focused on the employment of Puerto Ricans and other Spanish-surnamed persons in city and county government. Witnesses who appeared before the New York Committee in Rochester and Buffalo included officials from both city and county Civil Service Commissions and from selected city and county agencies, as well as members of the Puerto Rican communities in Rochester, Monroe County, Buffalo, and Erie County.

Much data and a wealth of material were collected both prior to, during and after the hearings. This material, as well as tapes of the hearings in the three communities, are available at the Northeastern Regional Office of the U. S. Commission on Civil Rights in New York City. In the interest of brevity, however, this report will attempt to summarize this material in the form of findings and recommendations

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BUFFALO AND ERIE COUNTY

Buffalo has a total population well over 400,000 and Spanish-surnamed persons account for between 4,000 and 10,000 according to persons who claim to be knowledgeable about the community. However, Minority Manpower Statistics sets the Puerto Rican population at 5,600 for the entire Buffalo SMSA which numbers about 1.3 million persons. Erie County has a population of 1.1 million and it has been estimated that between 12,000 and 18,000 are Spanish-surnamed persons. Yet Minority Manpower Statistics sets that figure at 5,100.

Buffalo's record of employment of Spanish-surnamed persons is no better than that of Rochester. Admittedly, there are fewer Puerto Ricans in Buffalo than in Rochester, but that does not excuse the fact that as of April 1972 the city identified only four Spanish-surnamed employees in a total work force of over 9,000 persons employed by the city. The New York State Committee asked the Buffalo Civil Service Commission (BCSC) during the Buffalo hearing (November 23, 1971) to break down the city work force by ethnic background. As of April 18, 1972, only 29 of 48 departments had forwarded such data to BCSC, although they had been requested to do so. The 29 departments indicated that there were four Puerto Ricans employed in three agencies.

On the county level there are about 10,000 persons employed, but no data is available to show how many are Spanish-surnamed. There is no reason to believe that the county's record is better than the city's, especially since neither has any affirmative action plan for increasing minority group employment in general, let alone the employment of

Spanish-surnamed persons. A representative of the Erie County Civil Service Commission told the Committee that the response to county examination announcements from the Spanish-surnamed population was poor.

The BCSC has jurisdiction over all city departments, in addition to parks, streets, water and sewer departments, and the non-professional staff of the Board of Education. It is responsible for hiring, promotions, and grievances and it does all recruitment for the various departments. According to the BCSC, there are three departments that have special job categories geared to attract minority group members: the Department of Human Relations has a slot for a Spanish-speaking field representative; the Department of Education has teacher aide and school aide slots; and the Police Department has community peace officer and police cadet slots. The county, on the other hand, has no slots specifically for Spanish-speaking persons.

Another potential job source are those positions available through the Emergency Employment Act (EEA) in two categories, one calling for 360 and one for 116 jobs. No figures were available for the 116 positions, but of the 360, there were 102 blacks and 22 Puerto Ricans as of March 1972. The Board of Education is another job source since it is responsible for the recruitment and hiring of all its own personnel except non-professional staff. BCSC reviews non-professional applications forwarded by the Board of Education, and after a determination, among other things, that the applicant has no criminal record, refers the candidate back to the Board of Education for processing. The Board of Education's non-professional staff is recorded as part of the BCSC staff totals, but the professional staff is recorded under Board of Education figures. There are 6,684 persons employed by the Board of Education of whom 4,157 are in professional positions. Of that number, 75 are Spanish-surnamed persons most of whom (some 49) are teacher aides.

More than 90 percent of city jobs are competitive positions. Most of the examinations for these positions are produced and administered by the city with a small number prepared and administered by the State. The BCSC told the Committee that the State Civil Service Department had given the BCSC examinations a "triple A" rating.

There is no evidence, however, that the examinations have been validated or rated, since a representative from the State Civil Service Department at the Albany hearing said he knew nothing about a "triple A" rating. It appears that the recruitment and examinations section of the State Civil Service does not validate city or county examinations. It is important to note that the State CSD has made only minor inroads into the validation of examinations prepared and administered for State jobs. Even these examinations were not described by the CSD as unbiased. It would appear, therefore, that at the city level there has been no validation of examinations. On the county level all examinations are State-prepared-and-administered, so here, too, we have a situation where unvalidated examinations are probably being used, and this affects 50 percent of the positions available in county government.

Although representatives of community organizations underlined a need for Spanish-speaking persons in agencies which must deal with that segment of the community in their day-to-day work, in Buffalo there are no Spanish-surnamed firemen or housing inspectors, and only one Spanish-surnamed, police officer (although it was reported that there were four community peace officers). The Police Department, however, was aware of the need for bilingual personnel and was sponsoring a course in Spanish.

There are two programs in Buffalo that could affect the employment of Spanish surnamed persons--Model Cities and the Concentrated Employment Program (CEP). Both, however, largely exclude Spanish-surnamed persons because of the manner in which their boundaries are drawn. There is only one Puerto Rican staff member in Model Cities and none in CEP. Yet it is estimated that unemployment among Puerto Ricans is as high as 30-40 percent.

CEP could be a training ground for Puerto Rican employees in public jobs if the city would expand CEP boundaries to include the Puerto Rican residential area. However, the CEP representative said that would only arouse false hopes since CEP was not able to service the people already registered. Training was provided, he said, but post-training placement was difficult because there were no jobs.

The director of the CEP program was opposed to developing an outreach program for Puerto Ricans, because he considered it a paternalistic gesture. He told the Committee:

> "If the people that we met with last year are still interested in doing something about [expanding the CEP boundaries]...[l]et them come in and present a proposal to us... It would be pure folly for the City of Buffalo or myself to develop a program...for the Puerto Rican community...Let them tell me what they want and we will put it in proposal form...I want them to tell us. I am not going to tell them what to do. That was the big fight with the blacks and the whites--that the whites developed a package for the blacks and presented it to the blacks. I don't want it that way...I want them to sit down

> with me...and work out a plan. If this plan is acceptable, I will put it in the budget and put it in the proposal.

Since the boundaries for Model Cities do not include the primary Puerto Rican residential area, the Puerto Rican community is largely excluded from its programs. The Committee was told, however, that because of community pressure Model Cities had established two programs especially for Spanish-speaking people--the Community Education Program and the Afro-Latin Dance Program.

Persons hired for programs initiated by Model Cities are not part of the civil service, although, their salaries are paid with public funds. Presumably, then, if this area were to include the Puerto Rican residential area, it would provide that community with an additional source of public employment.

THE STATE OF NEW YORK

New York has a total population numbering over 18 million persons, nearly 8 million of whom live in New York City. It is estimated that about 1.1 million Puerto Ricans live in New York State, the majority (over 1 million) live in New York City. This segment of the population is 6.1 percent of the total State population, 13.6 percent of the New York City population. [See Appendix, Page 30]

In 1970, of a total of 176,815 persons employed by New York State, 3,251 were Puerto Rican. They were employed in 43 out of 58 State agencies and comprised 1.8 percent of the total work force. This number reflected an increase of 0.6 percent since 1967. More than half, or about 1,806 Puerto Ricans, worked in New York City, comprising 5.7 percent of the State employees in New York City. Yet, it is estimated that Puerto Ricans made up 13.6 percent of the total New York City population in 1970.

In 1970, 79.7 percent of all Puerto Ricans employed by the State worked in the Department of Mental Hygiene, the State University of New York (SUNY), and the Narcotic Addiction Control Commission (NACC). However, they comprised a small percentage of the total work force of these agencies, e.g., Mental Hygiene employed 2,169 Puerto Ricans out of a total work force of nearly 68,000, and NACC employed 270 of a total work force of well over 6,000. Moreover, they were found in the lowest paying jobs. It has been pointed out that if "the Department of Mental Hygiene was not included in the State's total work force...the percentage of minority group employment would drop from 16.3 percent to 10.1 percent (blacks, 8.4 percent; Puerto Ricans, 0.9 percent; and other minorities, 0.8 percent)."

SUNY, which is depicted as a major employer of Puerto Ricans, reported only 126 in 1969, and 366 in 1974. No breakdown was available for the 1974 figures, but in 1969 of the 126 total 75 were employed as service, custodial, or laborer personnel; 9 as clerical help; 42 as administrators or professionals; and none in the management classification. In 1974, SUNY had a total work force of 26,859. Of that total, Puerto Ricans comprised 1.4 percent, and blacks comprised only 7.5 percent. Clearly, the representation is minimal at best and concentrated in the lowest scale jobs. SUNY has been the subject of a separate study by the New York Committee. Not unexpectedly, that study found that SUNY was "grossly discriminating against black and Puerto Rican educators and administrators."

An analysis of Puerto Rican employment by selective job categories (See Appendix, Page 30) indicates that in 1974, some 1,785, or 55.1 percent of the total Puerto Rican work force, were employed as service workers. Some 447 or 13.8 percent were employed as clerical help, which represents .75 percent of the total clerical work force. In the same context, 364 Puerto Ricans were employed as administrators or professionals which comprised a respectable 11.2 percent of the total Puerto Rican work force, but a mere .007 percent of the State's total administrative/professional work force.

In 1974, of the total statewide figure of 3,2[illegible], some 2,[illegible], or [illegible] percent of all Puerto Rican employees earned less than $[illegible]; 786, or 24.2 percent, earned between $[illegible] and $[illegible]; 220, or 6.8 percent, earned between $[illegible] and $[illegible]; 88, or 2.8 percent, earned $[illegible] and $[illegible].

and [illegible], or [illegible] percent, earned over [illegible]. In other words, [illegible] percent of all Puerto Ricans were working in grades 1 to [illegible] and earning no more than [illegible] with most earning less than [illegible]. (See Appendix, Page [illegible])

The male-female distribution for Puerto Ricans in 1969 was a total of [illegible] males and [illegible] females in all grades compared to [illegible] males and [illegible] females in 1970. No breakdown by grades was available for 1970, but in 1969, [illegible] males and [illegible] females earned less than [illegible], [illegible] males and [illegible] females earned between [illegible] and [illegible], [illegible] males and [illegible] females earned between [illegible] and [illegible], [illegible] males and [illegible] females earned over [illegible]. It would appear that in 1969 female Puerto Ricans were even more grossly under-represented than male Puerto Ricans in all categories except the lowest. There is no reason to believe that this changed significantly in 1970. (See Appendix, Page [illegible])

Although the employment of Puerto Ricans almost doubled between 1967 and 1970 (from [illegible] to [illegible]), the greatest increases were in the lowest level jobs—[illegible] percent were employed in grades [illegible]. The usual excuse given for the lack of Puerto Ricans in higher level jobs is that qualified persons cannot be found. For example, a representative of the New York State Department of Labor's Division of Employment explained the low level of representation, [illegible] of a total work force of [illegible] in the agency this way: "We are faced with strong competition from other governmental agencies as well as private employers and the unfortunate fact is that there is a dearth of qualified applicants in this segment of our population." The Division of Employment's work force in New York City is [illegible] percent Puerto Rican, yet it is estimated that Puerto Ricans make up [illegible] percent of the city's total population.

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Public and private employment closely imitate each other where selection criteria are concerned. The use of standardized tests has come into general usage in an attempt to get away from subjective measures which are considered suspect:

> Standardized employment tests play a major role in American industry. Employers rely on tests to determine who will be hired, who will be promoted, and who will be assigned the most desirable jobs. Sometimes the tests are used on a competitive basis: an available position goes to the highest scorer of a group. More often tests are used to determine "qualifications": only persons achieving a pre-determined minimum score are considered for employment or promotion.
>
> Many employers have adopted tests in the belief that an objective selection procedure is less vulnerable to attacks under the equal employment laws than subjective procedures. This belief is reinforced by the enthusiasm of government personnel agencies for standardized tests, not only in the Civil Service but also in the offices of the United States Employment Service and of State employment services that make job referrals to private industry. 3/

However, objective examinations are of questionable validity if credence is given to the following:

> General intelligence or ability tests may be divided into four groups: (1) those which are not valid (i.e. they do not measure those aptitudes reasonably necessary to perform the job) for either race; (2) those valid for one race but not for another; (3) those valid for both races but with different score patterns; and (4) those which are equally valid for both races. 4/

3/ Cooper and Sobol, Seniority and Testing under Fair Employment Laws: A general Approach to Objective Criteria of Hiring and Promoting, 82 Harvard L. Rev. 1578, 1637-38 (1969).

4/ Note, Civil Rights: Legality of Education and Ability Test Requirements Under Title VII, 1970 Wisc. L. Rev. 922 - 931.

Yet written examinations are by far the most common way State and local governments qualify potential candidates. For example, 1,033 written examinations were given statewide in 1970 by the New York State Civil Service Department for State jobs, and 3,817 State-prepared written examinations were given for or by local governments, compared to 404 oral tests, 46 perfornace tests, and 372 training and experience tests.

It has been forcefully said that:

> /A/ paper and pencil test asking general questions does not necessarily measure the relevant mental capacity. It measures the capacity to answer questions on the test. This may or may not be related to the capacity to perform well on particular jobs.
>
> Contrary to popular belief, the likelihood that scores on any particular aptitude test will correlate significantly with performance on any job is very slim indeed...Hundreds of careful studies by industrial psychologists investigating the "validity" of these standardized tests have shown that test scores commonly bear little or no relationship to job performance. 5/

Not only do standardized tests very often fail to predict success on the job of workers in general, but more important, in many applications they seriously disadvantage minority group members.

It is increasingly recognized that hiring and promotional standards are a critical factor in minority group employment and underemployment. Yet these standards are not being examined carefully. For example, the March 1968 report of the Governor's Committee to Review Laws and Procedures in the Area of Human Rights (the Debevoise Committee) concluded that a major factor making New York State anti-discrimination laws ineffective was that "the laws were not being aggressively applied to bar unnecessary employment requirements."

5/ Cooper and Sobol, Op. Cit., p. 1643

There is overwhelming evidence that, on the average, black and other disadvantaged groups perform substantially less well than whites on generalized intelligence or aptitude tests.

The greatest problem created by the standardized test approach is establishing the validity of the examinations. To determine if a test is valid, an empirical study must be done to determine if test scores are significantly correlated to job performance. This is a long and complicated process, and even then most valid tests rarely measure more than 25 percent of those aptitudes necessary to enable a person to perform a particular job. Moreover, validation is costly for tests that have little predictive value for either race.

The Supreme Court in *Griggs v. Duke Power Co.* has interpreted § 703(h) of the Civil Rights Act of 1964 thus: "What Congress has commanded is that any test used must measure the person for the job and *not the person in the abstract.*" (emphasis added).[6] This requires a test that has undergone the kind of empirical study that validates it as a predictor of success. A representative of the State Civil Service Department told the Committee that the State validation process includes content validity which determine whether the content of the test is related to the job itself, e.g. a typing test; and construct validity which tests not so much what an employee does on the job, but what his capabilities are for learning a job. Although empirical study has been cited as the true touchstone of a test's validity, the Committee was told by the director of recruitment and examinations of the New York State Department of Civil Service:

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[6] 401 U. S. 424, 436, 91 S. Ct. 849 (1970.

> We have always developed our tests in conjunction with the operating agency on the basis of duty statements and ...have related the test questions to the duties to be performed so that we have content validity. We have studied the jobs; we have talked to supervisors, in conjunction with agencies and the classification division and we have knowledge, skills, and abilities. And if we test on these we will have construct validity. So, in my opinion, our tests are valid as far as content and construct validity.

Yet the Griggs court in a footnote points out that the "fact that a test was prepared by an individual or organization claiming expertise in test preparation does not, without more, justify its use within the meaning of Title VII."

The State also employs another method of examining tests - the Ethnic Information Retrieval System in which candidates are requested to supply ethnic information. In this system the State's examiners have available all their usual analyses, such as item analysis, score distributions and matrices, and correlational and significance statistical tests which are applied separately for each ethnic group represented in the returns. In this way the State attempts to identify and correct materials which may be discriminatory.

According to the State Civil Service, by studying the information received via the Ethnic Information Retrieval System they discovered that:

> A number of examinations or items within the examinations did contain irrelevant material. Secondly, we found that minorities, especially Puerto Ricans, are not responding to existing job opportunities. And the third finding is that the best [recruitment] method [is] relatives, friends, associates...the Division of Employment is the next runner up.

Since returns from Puerto Ricans on monitored examinations were so small, some 203 or 1 percent of a total of 19,380, the Civil Service Department proposed to initiate a program which would facilitate the entry of Puerto Ricans into entry professional-level positions. Its initial request to the legislature for 30 permanent administrative positions was denied, however, because of the State's financial crisis.

Yet even this validation process is a small effort. Of some 2,000 examinations the State has prepared, only 98 have been subjected to the retrieval system. More important, although the State instituted the system in 1968, no detailed information was available as to the impact of the retrieval system where Puerto Rican responses were concerned because of the small numbers involved.

However, a knowledgeable source indicated that even the miniscule returns reveal some information. For example, for the Mental Hygiene Trainee I examination, 30 Puerto Ricans responded to the request for ethnic data, and of these, eight were disqualified and two failed to appear. Of the other 20 applicants, 60 percent failed the examination. Moreover, 53 percent of the black respondents failed compared to 25 percent of the white applicants. These figures very nearly duplicate those found in Chance v Board of Examiners and Board of Education of the City of New York.[6] That case revealed that white candidates had received passing grades at about 1½ times the rate of blacks and Puerto Rican candidates. This was an important factor in the court's finding: "The examinations prepared and administered by the Board of Examiners for the licensing of supervisory personnel...have the *de facto* effect of discriminating significantly and substantially against black and Puerto Rican applicants." This conclusion would appear to apply to the State as well.

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[6] 330 F. Supp. 203 (1971)

RECOMMENDATIONS

The overall finding of the New York State Committee of the United States Commission on Civil Rights is that both State and local governments have failed dismally to make equal opportunity in public employment a fact rather than a promise. The system as presently constituted is discriminatory in its effect, if not in its intent.

Present efforts to remedy the existing situation are almost non-existent on city and county levels and grossly inadequate on the State level.

THEREFORE WE RECOMMEND:

To the Federal Government --

1. The Equal Employment Opportunity Commission (EEOC) should file a Commissioner Charge to institute a thorough investigation of Civil Service systems as they operate on both State and local levels in New York.

2. EEOC guidelines on employee selection procedures, which set standards to be applied by private employers, should also be applied to State and local government.

3. The Federal Merit Standards, established by statute in 1939 to improve the State administration of federally-aided programs, prohibit discrimination on the basis of race or national origin. Their implementation is the responsibility of the Federal agency granting assistance, but overall supervision rests with the Office of State Merit Systems (OSMS) now a part of the U. S. Civil Service Commission. Therefore, we strongly urge that the OSMS provide written guidelines and procedures for State action to eliminate discrimination and increase opportunities for minority group members, and that it also require federally-aided State and local agencies to do as much as is required of private employers with Federal contracts-- i.e., that they submit an affirmative action plan with specific

goals and timetables.

4. Federally-funded manpower and training programs, such as the Concentrated Employment Program (CEP) and the Manpower Development and Training Administration (MDTA), should make stronger efforts to prepare trainees for public employment.

To State and Local Governments:

1. The Governor of the State of New York should order all Departments to submit to him in 90 days an affirmative action plan with specific goals and timetables for increasing minority employment at all salary levels. Such plans should include, among other items, jobs currently available for minority group staffing, future job opportunities, anticipated changes in staffing patterns, and plans for modifying job requirements and qualifications.

2. Until such time as present imbalances are redressed, the Governor, and the chief executive of counties and municipalities with significant Black and Puerto Rican populations, should ensure that Civil Service Commissions contain both Black and Puerto Rican members.

3. Minority advisory committees on State and local levels should be formed, comprised of Blacks, Puerto Ricans, and other minority group members, to assist in the development of affirmative action programs which should include, but not be limited to, outreach programs for recruitment of minority group members and career ladder programs to upgrade those currently employed.

4. Both the State and local governments are now required under Title VII to do an ethnic survey of their staffs. We strongly recommend that local governments proceed in collecting this data as soon as possible (as is already being done by the State) so that the information can be used

as the basis for the development of affirmative action plans.

2. Increased efforts should be made to identify job classifications and positions which can be filled by minority group members. Some efforts have been made by both the State and local governments; for example, bilingual para-professional and trainee positions have been created by the Monroe County Civil Service Commission and the State Civil Service Department. However, more efforts of this kind are needed.

3. Where English is not an important function of the job, applicants should be given the choice to take qualifying examinations in either English or Spanish. Moreover, where oral skill in English is a primary requisite of a job, an applicant should be given the option of taking a written [illegible] examination in English or Spanish, and an oral qualifying examination in English for those who take the written examination in Spanish.

4. The disadvantaged applicant should be given points in his favor in much the same way as is currently done for veterans until such time as the Hispanic imbalance has been redressed.

5. Present complaint procedures should be revised and expanded to include a system similar to that of the Federal government where counselors and counseling are provided to aid the complainant. Such a procedure should be highly publicized, so the applicant and working public are made aware of the provisions.

6. Where the Civil Service "rule of three" is concerned, both the State and local levels should duplicate the procedure used by some Federal agencies: if one of those persons submitted for consideration for a particular job is a minority member and is rejected, the appointing authority

should be required to obtain in writing the reasons for the rejection.

10. All job announcements should be written in English and Spanish at both the State and local levels.

11. Both the State and local government should investigate the hiring practices used for those positions which do not require examinations.

C. The New York State Employment Service.

1. The NYSES should make a stronger effort to widely disseminate and promote the use of the State Division of Human Rights' [illegible] which contains specific requests for minority group applicants, and should sensitize public agencies to their responsibility for increasing minority group employment in their agencies.

2. The NYSES should give priority to the selection and referral of minority group applicants to State and local agencies.

D. The Validation of Examinations.

1. All examinations should be validated, but priority should be given to those examinations that test for jobs most likely to attract minority group persons.

2. Since the State is charged with producing all examinations used by county governments and some examinations used by city governments, efficiency dictates that it be given jurisdiction over examinations used at all three levels of government. Validation of examinations is a long, complicated, and expensive procedure, so if the validation process is to be successful, that responsibility should be centralized.

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